

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION**

<b>In Re:</b>	)	<b>19-31576</b>
	)	
<b>MICHAEL COLE,</b>	)	<b>Chapter 13</b>
	)	
<b>Debtor.</b>	)	<b>Hon. Judge: CASSLING</b>

**NOTICE OF MOTION**

To the following persons or entities who have been served via electronic mail:  
U.S. Bankruptcy Trustee: [USTPRegion11.ES.ECF@usdoj.gov](mailto:USTPRegion11.ES.ECF@usdoj.gov)  
M.O. Marshall, Chapter 13 Trustee: [ecf@55chapter13.com](mailto:ecf@55chapter13.com)

To the following persons or entities who have been served via U.S. Mail: See attached list.

**PLEASE TAKE NOTICE** that on **September 30, 2021**, at **9:30 A.M.**, I will appear before the Honorable Judge **CASSLING**, or any judge sitting in that judge's place, and present the **Motion to Modify Chapter 13 Plan**, a copy of which is attached.

**This motion will be presented and heard electronically using Zoom for Government.** No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

**To appear by video**, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and password.

**To appear by telephone**, call Zoom for Government at 1-669-254-5252 or 1-646-828- 7666. Then enter the meeting ID and password.

**Meeting ID and password.** The meeting ID for this hearing is **161 414 7941** and the password is **619**. The meeting ID and password can also be found on the judge's page on the court's web site.

**If you object to this motion** and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

**PROOF OF SERVICE**

The undersigned certifies that copies of this Notice and attachments were served to the listed persons or entities, if service by mail was indicated above, by depositing same in the U.S. Mail at Wheeling, Illinois 60090, on or before September 9, 2021, at 5:30 p.m., with proper postage prepaid, unless a copy was provided electronically by the Bankruptcy Court.

DATE OF SERVICE: September 9, 2021

/s/ Robert C. Bansfield Jr.  
Robert C. Bansfield Jr., A.R.D.C. #6329415

Attorney for the Debtor  
DAVID M. SIEGEL & ASSOCIATES  
790 Chaddick Drive  
Wheeling, IL 60090  
(847) 520-8100  
[rbansfield@davidmsiegel.com](mailto:rbansfield@davidmsiegel.com)

*To the following persons or entities who have been served via U.S. Mail:*

Michael Cole  
12201 S. May  
Chicago, IL 60643

LVNV Funding, LLC  
Resurgent Capital Services  
PO Box 10587  
Greenville, SC 29603-0587

T Mobile/T-Mobile USA Inc  
by American InfoSource as agent  
4515 N Santa Fe Ave  
Oklahoma City, OK 73118

Jefferson Capital Systems LLC  
PO Box 7999  
Saint Cloud, MN 56302-9617

American Honda Finance Corporation  
National Bankruptcy Center  
P.O. Box 168088  
Irving, TX 75016-8088

Capital One Bank (USA), N.A.  
by American InfoSource as agent  
4515 N Santa Fe Ave  
Oklahoma City, OK 73118

Prestige Financial Services  
P.O. Box 26707  
Salt Lake City, UT 84126

Internal Revenue Service  
P.O. Box 7346  
Philadelphia, PA 19101-7346

Portfolio Recovery Associates, LLC  
c/o Capital One Bank (USA), N.A.  
PO Box 41067  
Norfolk, VA 23541

Midland Funding LLC  
Midland Credit Management, Inc.  
as agent for Midland Funding, LLC  
PO Box 2011  
Warren, MI 48090

Illinois Department of Revenue  
Bankruptcy Section, P.O. Box 19035  
Springfield, IL 62794-9035

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<b>In Re:</b>	)	<b>19-31576</b>
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<b>MICHAEL COLE,</b>	)	<b>Chapter 13</b>
	)	
<b>Debtor.</b>	)	<b>Hon. Judge: CASSLING</b>

**MOTION TO MODIFY CHAPTER 13 PLAN**

NOW COMES the Debtor, **Michael Cole**, by and through his attorneys, David M. Siegel & Assoc., LLC, to present this Motion, and in support thereof states as follows:

- 1) Jurisdiction is proper and venue is fixed in this Court with respect to these parties.
- 2) On November 16, 2019, the Debtor filed a voluntary petition for relief pursuant to Chapter 13 under Title 11 USC, and the Chapter 13 plan was confirmed on January 30, 2020. M.O. Marshall is the Trustee in this case.
- 3) The Debtor's Chapter 13 plan provides for payments of \$725.00 per month for 8 months and then \$925.00 per month for 52 months, with payments to the General Unsecured Creditors of at least 10% of their allowed claims.
- 4) On July 30, 2020, an Order Modifying the Debtor's Chapter 13 Plan was entered at docket number 34. The order increased Debtor's monthly plan payments to \$925.00 per month.
- 5) After this order was entered, a new payroll deduction order was sent to Debtor's employer to change the amount they withheld from Debtor's paycheck. However, due to the ongoing COVID-19 pandemic, there was no one working in the office that the order was sent to. Because of this, Debtor's payroll deductions were never increased to account for the increased plan payments.
- 6) This caused the Debtor to default on his monthly plan payments.

- 7) A new payroll order has been sent to Debtor's payroll department to resolve the issue.
- 8) The Debtor cannot cure his current monthly plan payment default, but he can make his ongoing plan payments.
- 9) The Debtor proposes to modify his Chapter 13 plan pursuant to 11 USC §1329 to defer his existing default until the end of his plan. Debtor makes this proposal in good faith and with the intention of completing his Chapter 13 plan.
- 10) The Debtor further proposes to modify his Chapter 13 plan pursuant to the recently amended 11 USC §1329 on March 27, 2020, under the Coronavirus Air, Relief and Economic Security Act (CARES Act), to extend his bankruptcy past the 60 months allowed.
- 11) Granting the Debtor's motion will not cause the confirmed Chapter 13 plan to run longer than the allowed time by law and will continue to pay General, Unsecured Creditors at least 10% of their allowed claims.
- 12) Debtor requests the above relief without any intent to defraud his creditors.

WHEREFORE, the Debtor, **Michael Cole**, prays that this Honorable Court enter an Order to Modify the Chapter 13 Plan and for other such relief as the Court deems fair and proper.

Respectfully Submitted,

/s/ Robert C. Bansfield Jr.

Robert C. Bansfield Jr., A.R.D.C. #6329415  
Attorney for the Debtor

David M. Siegel & Associates, LLC  
790 Chaddick Drive  
Wheeling, IL 60090  
(847) 520-8100  
[rbansfield@davidmsiegel.com](mailto:rbansfield@davidmsiegel.com)